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In re Application of :
LIEW, Jat Yuen Richard et al. :
Application No.: 10/570,910 : DECISION
Filing Date: 03 March 2006 :
Attorney Docket No.: ELLAC73328 :
For: DEPLOYABLE STRUCTURES :

This is a decision on applicant's Petition Under 37 CFR 1.182, filed in the United States Patent and Trademark Office on 06 March 2009.

BACKGROUND

On 03 March 2006, applicants filed *inter alia*, fees, a national phase transmittal, a utility patent application transmittal letter and a preliminary amendment. The national phase transmittal and preliminary amendment both indicated that the application was a national phase entry of PCT/SG2005/021882.

On 28 February 2009, applicants filed a declaration of the inventors indicating that the application claimed foreign priority from international application PCT/SG2005/021882.

On 06 March 2009, applicant filed this petition requesting that the Office correct the national phase information for the above application.

DISCUSSION

A review of the above-captioned application file indicates it is a utility application filed under 35 U.S.C. 111(a).

The USPTO Notice published in the Official Gazette at 1077 OG 13 entitled "Minimum Requirements for Acceptance of Applications Under 35 U.S.C. 371 (the National Stage of PCT)" states, in part, the following:

The Patent and Trademark Office is continuing to receive application papers which do not clearly identify whether the papers (1) are being submitted to enter the national stage of the Patent Cooperation Treaty (PCT) under 35 U.S.C. 371 or (2) are being filed as a regular national application under 35 U.S.C. 111.

* * *

If there are any conflicting instructions as to which sections of the statute (371 or 111) is intended the application will be accepted under 35 U.S.C. 111.

Here, the reference to 37 CFR 1.53(b) at the top of the transmittal letter filed on 03

March 2006, is an instruction to process the application pursuant to 35 U.S.C. 111(a). Thus, the application is a filing under 35 U.S.C. 111(a) pursuant to 1077 OG 13.

U.S. Statutes and Regulations do not make specific provision for conversion of the application to a national phase and as such the Office does not grant such petitions for conversion as a mere matter of course. The Office will only grant such petitions upon a showing by applicant of sufficient cause (e.g., the loss of patent rights) where no other remedy is available.

Applicant may wish to consider filing a petition to add an unintentionally delayed priority claim.

CONCLUSION

As indicated above, this application will be processed as a 35 USC 111(a) filing.

This application is being forwarded to the Initial Processing Division of the Office of Patent Application Processing for continued processing.

/Erin P. Thomson/

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